

### III. REMARKS

1. Claims 1-19 remain in the application. Claims 1, 8-10, 15, and 17 have been amended.
2. Applicants respectfully submit that claims 1, 3-5, 7-10, 12, 14, 15, 17, and 19 are patentable over the combination of 3rd Generation Partnership Project; Technical Specification Group Terminals; Multimedia Messaging Service (MMS); Functional description; Stage 2 (3G TS 23.140 version 1.0.0, "3GPP") and Zahariev (US 6,035,104, "Zahariev") under 35 USC 103(a).

#### 2.1 The combination of 3GPP and Zahariev fails to disclose or suggest

the first message requesting the multimedia messaging centre to transmit a notification message to the apparatus only for multimedia messages addressed to the apparatus that have arrived at the multimedia messaging centre and for which the apparatus has not received a notification message yet and only for multimedia messages for which a notification message has been sent but for which an acknowledgement has not yet been received in the multimedia messaging center,

as substantially recited by claims 1, 8-9, 10, 15, and 17.

Referring to 3GPP, Section 8.3.3 on page 17, Figure 11, and paragraphs 1 and 2 on page 20:

Section 8.3.3 states:

The MMS query operation is used to retrieve information of the existing multimedia messages in the MMS relay. The query operation retrieves all the multimedia message notifications from the MMS relay and then allows the user to retrieve the messages.

Paragraphs 1 and 2 on page 20 of 3GPP state:

The figure above shows the terminal originated MM query about messages. The terminal sends a query to the Relay about messages (and message contents) stored in the server. Then the Relay makes a user data check from the Subscription database if required (subject to prior MM session establishment). The purpose of this action is to ensure that the user has the right to perform this operation.

The Relay sends a request of MM information to the server. Server responses with message information. This response could contain e.g. the information

about the number of messages stored in the server and information what kind of message elements stored messages contains. Then Relay obtains the personalised information of the recipient from the Profile. Finally the Relay sends to the terminal notification with message information.

Figure 11 shows the details of the transaction described in Section 8.3.3 and paragraphs 1 and 2 of page 20.

Thus, these sections of 3GPP disclose that the terminal sends a query to the Relay about messages stored in the server. If the user has the right to perform this action, the Relay sends a request for MM information and the server responds with message information. It is clear from Section 8.3.3. that the query operation retrieves all the multimedia message notifications from the MMS relay.

In contrast, the present claims request a notification message for only those multimedia messages addressed to the apparatus that have arrived at the multimedia messaging centre and for which the apparatus has not received a notification message yet, and for only those multimedia messages for which a notification message has been sent but for which an acknowledgement has not yet been received in the multimedia messaging center.

The MMS query operation results in notifications for all messages present in the server, regardless of whether the terminal has received a notification, and regardless of whether the terminal has acknowledged a sent notification. There is no disclosure or suggestion in 3GPP related to limiting the notifications to those for only those multimedia messages addressed to the apparatus that have arrived at the multimedia messaging centre and for which the apparatus has not received a notification message yet, and for only those multimedia messages for which a notification message has been sent but for which an acknowledgement has not yet been received in the multimedia messaging center. Therefore, the 3GPP fails to disclose requesting a notification message only for those multimedia messages as defined by the independent claims.

Zahariev is directed to an email system and is silent with respect to this feature of the present claims.

Because neither reference discloses or suggests these features, the combination of 3GPP and Zahariev fails to provide all the features of independent claims 1, 8-10, 15, and 17 and fails to render claims 1, 3-5, 7-10, 12, 14, 15, 17, and 19 unpatentable.

3. Applicants respectfully submit that claims 2, 11, 13 and 16 are patentable over the combination of 3GPP, Zahariev, and Skladman et al. (US 6,400,810, "Skladman") under 35 USC 103(a).

Claims 2, 11, 13, and 16 depend from claims 1, 8, and 15. Skladman fails to supply the features of claims 1, 8, and 15 missing from the combination of 3GPP and Zahariev, that is:

the first message requesting the multimedia messaging centre to transmit a notification message to the apparatus only for multimedia messages addressed to the apparatus that have arrived at the multimedia messaging centre and for which the apparatus has not received a notification message yet and only for multimedia messages for which a notification message has been sent but for which an acknowledgement has not yet been received in the multimedia messaging center.

Therefore, the combination of 3GPP, Zahariev, and Skladman fails to render claims 2, 11, 13 and 16 unpatentable.

4. Applicants respectfully submit that claim 6 is patentable over the combination of 3GPP, Zahariev and Short et al. (US 6,130,892, "Short") under 35 USC 103(a).

Claim 6 depends from claim 1. Short fails to provide the features of claim 1 missing from the combination of 3GPP and Zahariev as argued above. Therefore, the combination of 3GPP, Zahariev, and Short fails to render claim 6 unpatentable.

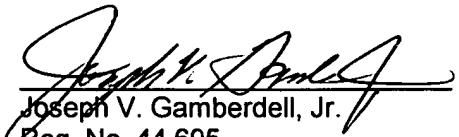
5. Applicants respectfully submit that claim 18 is patentable over the combination of 3GPP, Zahariev and Thro et al. (US 6,147,977, "Thro") under 35 USC 103(a).

Claim 18 depends from claim 1. Thro fails to provide the features of claim 1 missing from the combination of 3GPP and Zahariev as argued above. Therefore, the combination of 3GPP, Zahariev and Thro fails to render claim 18 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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